

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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WINDWARD BORA, LLC,

Plaintiff,

Case No.: 1:18-cv-1811-NGG-RML

-against-

SONIA THOMPSON *et al.*,

Defendant.  
-----X

**AFFIRMATION CONCERNING MAILING OF RPAPL § 1304 NOTICES**

Sandy J. Stolar, Esq., being duly sworn, deposes and says as follows:

1. I am a Senior Associate at The Margolin & Weinreb Law Group, LLP (“MWLG”). I am fully familiar with the facts set forth herein based upon a review of the file maintained by MWLG. I am also co-counsel for Plaintiff Windward Bora, LLC (“Plaintiff”) in the above-referenced action. I am authorized to make this affirmation on behalf of MWLG

2. In the regular and ordinary course of business, it is MWLG’s standard practice to make, collect and maintain business records and documents related to any legal action it commences, including the instant action (collectively, the “Business Records”). I am personally familiar with MWLG’s record-keeping practices, I have continuing access to these Business Records for the instant action, and I am familiar with how each document attached to this Affidavit was retrieved and compiled. The Business Records are made at the time of the act, transaction, occurrence or event, or within a reasonable time thereafter. The Business Records (which include data compilations, electronically imaged documents, and others) are: (a) made at or near the time of the occurrence of the matters set forth by, or from information provided by, persons with knowledge of the activity and transactions reflected in such records; and (b) kept as a regular practice and in the ordinary course of business conducted by MWLG. I have personal

knowledge of the matters set forth herein based upon my review of the Records and my personal knowledge of our office's mailing procedures.

3. The statements herein are based on my review of MWLG's Business Records and my familiarity with MWLG's procedures for maintaining its Business Records. Moreover, I have personally reviewed each document attached to this Affirmation.

4. MWLG prepares on behalf of its clients notices pursuant to RPAPL § 1304. This affirmation is given to support proof of the generating of and mailing procedures of the RPAPL § 1304 Notices.

5. I am personally familiar with MWLG's standard practices and procedures-used to create, mail and store data regarding the mailing of notices to a borrower. MWLG's standard mailing practices and procedures were designed to ensure that these letters were properly addressed, mailed and that data reflecting those events were stored in MWLG's business records.

6. MWLG maintains regular procedures and keeps electronic records that assist in documenting actions taken within the firm including the preparation, mailing and tracking of various notices and documents.

7. This electronic record-keeping system ("the system") is used by all MWLG employees within the firm. As a Senior Associate at MWLG, I am familiar with the business records and procedures maintained by this firm and the system. Additionally, this MWLG also keeps a hard copy of its records in a physical file folder.

8. Pursuant to MWLG's operating procedures, all entries in the system are created in the ordinary course of MWLG's business at or near the time of the event and recorded from information provided by persons with knowledge of the activity and transactions reflected in such

records. Those records are kept by MWLG in the ordinary course of its business. MWLG regularly and contemporaneously updates the system with all activity which occurs on its files.

9. I make this affirmation based on my knowledge of the facts contained herein. My knowledge is based on my review of the records as contained in MWLG's system and my familiarity with the below-described mailing procedures.

10. As discussed, in certain circumstances, MWLG will generate and mail notices on behalf of its clients. In those situations, MWLG has a regular process and procedure by which MWLG prepares, prints, prepares postage, and mails the RPAPL § 1304 notices prior to initiating a foreclosure action (hereinafter "the Notices" or "Default Notice(s)"). This process and procedure is diligently and uniformly followed to ensure that the Notices are properly sent in accordance with the mortgage and/or note.

11. A description of that process, as used by MWLG, in mailing the required Notices as for the loan at issue in this case, is as follows:

12. A qualified member of MWLG generates RPAPL § 1304 Notice(s) and then prints them out whenever a borrower is in default on its obligation and MWLG client informs them of same.

13. Seeing the need to generate a RPAPL § 1304 Notice(s), a qualified member of MWLG generated the RPAPL § 1304 letters via a template ("Template").

14. The Template has been reviewed and approved by MWLG to ensure that each time a letter is generated:

- i. It contains the statutorily-required language under RPAPL § 1304, including the type, style and font size as statutorily-required;

- ii. It is addressed to all of the borrowers on the loan at each of the borrowers' addresses including the mortgaged property, and as required by RPAPL § 1304;
- iii. It is marked properly to indicate that two mailings-one *via* first class and one via certified mail-will be effectuated.

15. Using the approved template, MWLG prints a number of copies of the letter, depending on the number of borrowers on the loan and whether or not a borrower has an alternate address different from the property address and has provided the Client with same, and has provided the client with the minimum being two letters-one to be sent via first class mail and one to be sent via certified mail.

16. Upon printing, the letters are folded and stuffed by MWLG into properly marked envelopes bearing sufficient postage to be sent via first class and via certified mail.

17. Again upon printing, a note is inserted into MWLG's record-keeping system bearing the date of generation of the letters and the title of the letters.

18. In compliance with MWLG's strict same-day mailing policy, the letters to be sent via first class mail are then physically delivered to an in-house bin which is retrieved by the United States Postal Service daily.

19. As to the letters to be sent via certified mail, MWLG scans the certified mail label into its electronic record-keeping system and then deposits the letters into MWLG's in-house mail bin. The bin is retrieved by the United States Postal Service daily. A qualified member of MWLG also provides a certified mail receipt(s) which is stamped by the United States Postal Service at the time of retrieval.

20. This regular and uniform procedure is followed for all loans.

**THE 90 DAY RPAPL § 1304 NOTICES**

21. As to this particular loan, an employee of MWLG was notified by Plaintiff that Defendant Sonia Thompson's Loan was flagged for being in default and in need of RPAPL § 1304 Notices.

22. Seeing the need to generate a RPAPL § 1304 Notices, same was generated via the pre-approved template. Annexed hereto as **Exhibit A** are copies of the 90-Day Notices from MWLG's Business Records.

23. Using the approved template MWLG printed two (2) copies of the RPAPL § 1304 Notices addressed to Sonia Thompson at 16 Gunther Place, Brooklyn, New York 11233 (the "Property Address"), where one copy was sent via first class mail and one copy was sent via certified mail to the Property Address on November 17, 2017.

24. Upon printing, a member of MWLG folded and stuffed the two letters into properly marked envelopes, bearing sufficient postage to be sent via first class mail and certified mailing tracking number 7017 0530 0000 7190 1942. Copies of the envelopes are attached hereto as **Exhibit B**. A copy of the certified mail receipt is annexed hereto as **Exhibit C**.

25. Again, upon printing, a Note was inserted into MWLG's system that stated that the letters were generated on November 17, 2017 and were sent collectively to Sonia Thompson at the Property Address on the same date. A copy of the note from MWLG's system is annexed hereto as **Exhibit D**.

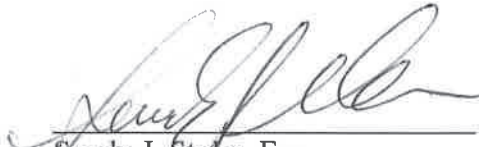
26. In compliance with MWLG's strict same-day mailing policy, a member of MWLG, LLP then physically delivered the first-class letter addressed to Sonia Thompson to an in-house bin which was retrieved on that date.

27. Concerning the letter sent via certified mail, the letters were tendered to MWLG's in-house bin. The certified mail label was stamped and scanned into MWLG's system. *See Exhibit C.* This bin was retrieved by the United States Postal Service on the same day, November 17, 2017, as part of the Postal Service's daily mail retrievals.

28. Given the above recitation of uniform, diligent procedures followed by MWLG, I thus respectfully submit that this affirmation of MWLG's regular, uniform, and diligent procedures regarding mailing of the RPAPL § 1304 Notices demonstrates that MWLG's strictly complies with the provisions of the statute.

I hereby make oath or affirmation that the contents of this affirmation are true and correct to the best of my knowledge, information and belief.

Dated: December 18, 2019  
Syosset, New York 11791

  
Sandy J. Stolar, Esq.

A

SENT VIA REGULAR MAIL

November 17, 2017

LOAN NO: 227074

Sonia Thompson  
16 Gunther Place  
Brooklyn, NY 11233

PROPERTY ADDRESS: 16 Gunther Place  
Brooklyn, New York 11233

Dear Sonia Thompson:

YOU MAY BE AT RISK OF FORECLOSURE. PLEASE READ THE  
FOLLOWING NOTICE CAREFULLY.

As of November 17, 2017, your home loan is 3,963 days and \$194,292.88 dollars in default. Under New York State Law, we are required to send you this notice to inform you that you are at risk of losing your home.

Attached to this notice is a list of government approved housing counseling agencies in your area which provide free counseling. You can also call the NYS Office of the Attorney General's Homeowner Protection Program (HOPP) toll-free consumer hotline to be connected to free housing counseling services in your area at 1-855-HOME-456 (1-855-466-3456), or visit their website at <http://www.aghomehelp.com/>. A statewide listing by county is also available at <http://www.dfs.ny.gov/consumer/mortgynsnpccounselingagencies.htm>. Qualified free help is available; watch out for companies or people who charge a fee for these services.

Housing counselors from New York-based agencies listed on the website above are trained to help homeowners who are having problems making their mortgage payments and can help you find the best option for your situation. If you wish, you may also contact us directly at 1-516-921-3838 and ask to discuss possible options.

While we cannot assure that a mutually agreeable resolution is possible, we encourage you to take immediate steps to try to achieve a resolution. The longer you wait, the fewer options you may have.



If you have not taken any actions to resolve this matter within 90 days from the date this notice was mailed, we may commence legal action against you (or sooner if you cease to live in the dwelling as your primary residence.)

If you need further information, please call the New York State Department of Financial Services' toll-free helpline at (800) 269-0990 or visit the Department's website at <http://www.dfs.ny.gov>.

**IMPORTANT:** You have the right to remain in your home until you receive a court order telling you to leave the property. If a foreclosure action is filed against you in court, you still have the right to remain in the home until a court orders you to leave. You legally remain the owner of and are responsible for the property until the property is sold by you or by order of the court at the conclusion of any foreclosure proceedings. This notice is not an eviction notice, and a foreclosure action has not yet been commenced against you.

Respectfully,

The Margolin & Weinreb Law Group, LLP

Cc: Windward Bora LLC

<b>Kings :</b> Cypress Hills Local Dev. Corp.	3214 Fulton St. Brooklyn, NY 11208	718-647-8100	HOPP Spanish speaking staff available
Pratt Area Community Council	1224 Bedford Ave. Brooklyn, NY 11216	718-783-3549 ext.315	HOPP
Grow Brooklyn, Inc.	1474 Myrtle Ave. Brooklyn, NY 11237	718-418-8232 ext. 206	HOPP Spanish and Bengali speaking staff available
Bridge Street Dev. Corp.	460 Nostrand Ave. Brooklyn, NY 11216	718-636-7596 ext. 11	HOPP Spanish Speaking staff available
MHANY Management, Inc.	2-4 Nevins St. Brooklyn, NY 11217	718-246-8080 ext 203	HOPP Spanish speaking staff available
Neighbors Helping Neighbors (NHN)	621 Degraw St. Brooklyn, NY 11217	718-237-2017 ext.159	HOPP Spanish speaking staff available
Brooklyn Housing and Family Services, Inc.	415 Albemarle Rd. Brooklyn, NY 11218	718-435-7585	HOPP Spanish and French Creole speaking staff available
Parodneck Foundation	121 6th Ave., Suite 501 New York, NY 10013	212-431-9700 ext 391	HOPP Spanish speaking staff available
Neighborhood Housing Services of Bedford-Stuyvesant	1012 Gates Ave., 2nd Floor Brooklyn, NY 11221	718-919-2100	HOPP
CAMBA	1720 Church Ave., 2nd Floor Brooklyn, NY 11226	718-287-0010	HOPP
Neighborhood Housing Services- East Flatbush	2806 Church Ave. Brooklyn, NY 11226	718-469-4679	HOPP Spanish speaking staff available
Greater Sheepshead Bay Dev. Corp.	2105 East 22nd St. Brooklyn, NY 11229	718-332-0582	HOPP Russian speaking

Grow Brooklyn, Inc.	1474 Myrtle Ave. Brooklyn, NY 11237	718-418- 8232 ext. 206	staff available HOPP Spanish and Bengali speaking staff available
Southern Brooklyn Community Organization	4006 18th Ave. Brooklyn, NY 11218	718-435- 1300	
GreenPath Debt Solutions	175 Remsen St., Suite 1102, Brooklyn, NY 11201	866-285- 4033	
NY Commission of Human Rights- Brooklyn	275 Livingston St. Brooklyn, NY 11217	718-722- 3130	Spanish speaking staff available

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SENT VIA CERTIFIED MAIL(70170530000071901942)/RETURN RECEIPT  
REQUESTED

November 17, 2017

LOAN NO: 227074

Sonia Thompson  
16 Gunther Place  
Brooklyn, NY 11233

PROPERTY ADDRESS: 16 Gunther Place  
Brooklyn, New York 11233

Dear Sonia Thompson:

YOU MAY BE AT RISK OF FORECLOSURE. PLEASE READ THE  
FOLLOWING NOTICE CAREFULLY.

As of November 16, 2017, your home loan is 3,963 days and \$194,292.88 dollars  
in default. Under New York State Law, we are required to send you this notice to  
inform you that you are at risk of losing your home.

Attached to this notice is a list of government approved housing counseling  
agencies in your area which provide free counseling. You can also call the NYS  
Office of the Attorney General's Homeowner Protection Program (HOPP) toll-free  
consumer hotline to be connected to free housing counseling services in your area  
at 1-855-HOME-456 (1-855-466-3456), or visit their website at  
<http://www.aghomehelp.com/>. A statewide listing by county is also available at  
<http://www.dfs.ny.gov/consumer/mortgynsnpncounselingagencies.htm>. Qualified  
free help is available; watch out for companies or people who charge a fee for  
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B



SONIA THOMPSON  
16 Gunther Place  
Brooklyn, NY 11233

THE MARGOLIN & WEINREB  
LAW GROUP, LLP  
165 Eileen Way, Suite 101  
Syosset, NY 11791

7017 0530 0000 7190 1942

PLACE STICKER AT TOP OR BOTTOM TO THE RIGHT  
OF THE RETURN ADDRESS FOR AUTOMATIC LIFE

**CERTIFIED MAIL**



7017 0530 0000 7190 1942  
7017 0530 0000 7190 1942

**U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [usps.com/pmr](http://usps.com/pmr)

3.45

Postage and Fees  
46

6.71

**Sonia Thompson**  
16 Gunther Place  
Brooklyn, NY 11233

Postmark  
NYC



THE MARGOLIN & WEINREB  
LAW GROUP, LLP  
165 Eileen Way, Suite 101  
Syosset, NY 11791

SONIA THOMPSON  
16 Gunther Place  
Brooklyn, NY 11233

C



**SONIA THOMPSON**  
16 Gunther Place  
Brooklyn, NY 11233

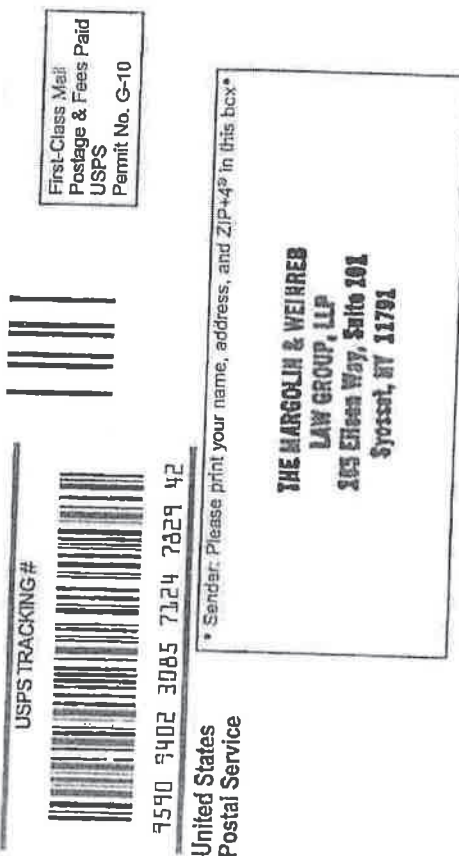
**THE MARGOLIN & WEINREB  
LAW GROUP, LLP**  
165 Eileen Way, Suite 101  
Syosset, NY 11791



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p><i>Sonia Thompson</i>  <i>16 Gunther Place</i>  <i>Brooklyn, NY 11233</i></p> <p>9590 9402 3085 7124 7829 42</p> <p>2. Article Number (Transfer from service label)</p>		<p>A. Signature <input checked="" type="checkbox"/> Agent</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Addressee</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>		<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery™</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	

PS Form 3811, July 2015 PSN 7530-02-000-9033

Domestic Return Receipt



D

File	Case	Sequence	Category	Next Note	Created By	Date	Private	Action
17-1936	17-1936-1	Federal Foreclosure - OLD SEQUENCE	High Risk		Votta, Gise	11/27/2017 11:51 AM	Yes	<a href="#">Edit</a>   <a href="#">Delete</a>   <a href="#">Category</a>   <a href="#">Compose Message</a> <a href="#">Dismiss Flag</a>   <a href="#">Audit</a>
<p><b>Note</b></p> <p>Demands sent on 11/17. Step 3 complete.</p> <p>Dismissed by Nemer, Cynthia on 03/12/2018 at 04:16 PM</p>								
<p><b>File:</b> 17-1936 <b>Client:</b> Windward Bora LLC <b>Loan:</b> xxx <b>Loan Type:</b> CONW <b>Property:</b> 16 Gurnow Place  Brooklyn, NY 11231 <b>County:</b> KINGS</p> <p><b>Borrower:</b> SONIA THOMPSON <b>Type:</b> Federal Foreclosure - OLD SEQUENCE <b>User:</b> Smlun, Alan <b>Atty:</b> Nemer, Cynthia</p> <p><b>Case:</b> 17-1936-1 <b>Seq:</b> Foreclosure</p> <p><b>Borrowers:</b> SONIA THOMPSON</p> <p>Page ** High Risk ** Page</p>								